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29 Corporation

30 UNITED STATES DISTRICT COURT

31 NORTHERN DISTRICT OF CALIFORNIA

32 SAN FRANCISCO DIVISION

33 GREGORY BENDER,) Case No. C 09-01140 WHA
34 Plaintiff,)
35 vs.) STIPULATION AND [PROPOSED]
36 EXAR CORPORATION, a Delaware) ORDER RE SCHEDULE FOR CLAIM
37 corporation,) CONSTRUCTION
38 Defendant.)
39
40

41 Pursuant to Case Management Order and Reference to
42 Magistrate Judge for Settlement/Mediation, Plaintiff Gregory
43 Bender ("Bender") and Defendant Exar Corporation ("Exar"),
44

1 through their respective counsel, have met and conferred
 2 regarding a briefing schedule leading up to the Claim
 3 Construction Hearing set for February 3, 2010, at 1:30 PM.
 4 Plaintiff Bender and Defendant Exar, through their respective
 5 counsel, hereby stipulate and request that the Court enter an
 6 order establishing the briefing schedule in preparation for the
 7 Claim Construction Hearing set for February 3, 2010 at 1:30 PM.
 8

9 The proposed briefing schedule is as follows:

10	Parties exchange list of claim	September 29, 2009
11	terms to be construed by the	
12	Court	
13	Parties exchange Preliminary	October 19, 2009
14	Claim Constructions, including	
15	extrinsic evidence	
16	Deadline to file Joint Claim	November 16, 2009
17	Construction and Prehearing	
18	Statement	
19	Deadline to complete claim	December 16, 2009
20	construction discovery	
21	Deadline for Plaintiff to	December 30, 2009
22	serve and file opening claim	
23	construction brief	
24	Deadline for Defendant to	January 13, 2010
25		
26		

1 serve and file responsive	
2 claim construction brief	
3 Deadline for Plaintiff to	January 20, 2010
4 serve and file reply claim	
5 construction brief	
6 Tutorial for Court	January 20, 2010
7	
8 Claim Construction Hearing	February 3, 2010

9

10 IT IS SO STIPULATED.

11 Dated: _____, 2009 _____/S/

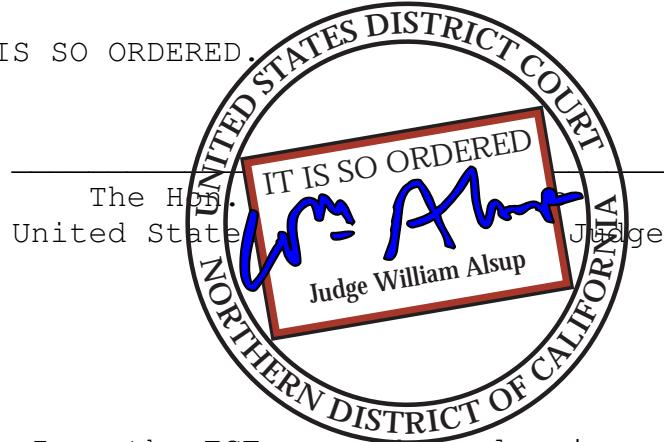
12 David N. Kuhn, counsel for plaintiff

13 Dated: _____, 2009 _____

14 Jacob K. Baron, counsel for defendant

15 PURSUANT TO STIPULATION, IT IS SO ORDERED.

16 Dated August 18, 2009



17 I, David N. Kuhn, attest that I am the ECF user whose log-in and

18 password are being used to e-file this document and that

19 concurrence in the filing of this document has been obtained

20 from Proskauer Rose LLP, counsel for the defendant.

21 Executed on August 13, 2009

22 PIEDMONT, CALIFORNIA

23 _____/S/

24 David N. Kuhn